

## THE RIGHT TO ADEQUATE FOOD AND FOOD SECURITY<sup>1</sup>

Marc J. Cohen<sup>2</sup>

I very much appreciate the opportunity to participate in the Congressional Human Rights Caucus briefing on World Hunger. My organization, the International Food Policy Research Institute (IFPRI), is an international agricultural research center supported by the Consultative Group on International Agricultural Research (CGIAR). The vision, goal, and mission of the CGIAR are firmly rooted in the right of everyone to adequate food and freedom from hunger and the inherent dignity of all humans:

- **Vision** – a food secure world for all.
- **Goal** – to reduce poverty, hunger, and malnutrition by sustainably increasing the productivity of resources in agriculture, forestry, and fisheries.
- **Mission** – to contribute to food security and poverty eradication in developing countries through research, partnerships, capacity building, and policy support, promoting sustainable agricultural development based on the environmentally sound management of natural resources.

The integral links between food security and human rights are clearly spelled out in the Rome Declaration on World Food Security, adopted at the World Food Summit in 1996: “Democracy, promotion and protection of all human rights and fundamental freedoms, including the right to development, and the full and equal participation of men and women are essential for achieving sustainable food security for all.” The Nobel Laureate Amartya Sen has underlined the interdependence of civil and political rights on the one hand and economic, social and cultural rights, including the right to adequate food, on the other: civil and political rights are not only intrinsically valuable, but they are also instrumentally valuable for achieving economic, social, and cultural rights.<sup>3</sup> Citizens make use of civil and political rights and freedoms to ensure that governments *respect* the right of everyone within their borders to have access to adequate food, *protect* that right from encroachment by others, *facilitate* opportunities by which that right can be enjoyed (for example through land reform or food safety regulations), and only in the last instance *fulfill* the right to food for those unable to do so by themselves. As Sen has frequently pointed out, democratic governments that uphold freedom of speech and freedom of the press seldom experience famines because they respond to popular demands for anti-famine programs.<sup>4</sup>

---

<sup>1</sup> Prepared for Presentation at the Congressional Human Rights Caucus Members Briefing on World Hunger: Moving Toward Global Food Security, Washington, DC, May 21, 2003.

<sup>2</sup> Special Assistant to the Director General, International Food Policy Research Institute, 2003 K Street, N.W., Washington, DC 20006 USA. Telephone: 202-862-5600. Fax: 202-467-4439. E-mail: ifpri@ifpri.org. Web: www.ifpri.org. IFPRI is part of the international agricultural research network known as the Consultative Group on International Agricultural Research.

<sup>3</sup> Amartya Sen, *Development as Freedom* (New York: Knopf, 1999).

<sup>4</sup> *Ibid.*; Asbjørn Eide, “Human Rights Requirements to Social and Economic Development,” *Food Policy* 21:1 (1996): 23-39.

The link between the various types of rights works in the other direction as well. As President Franklin D. Roosevelt stated this in 1944, “People who are hungry and out of a job are the stuff of which dictatorships are made.”<sup>5</sup> In 1980, the U.S. Presidential Commission on World Hunger put this even more starkly, concluding that where the right to adequate food remains unrealized, “the protection of other human rights becomes a mockery for those who must spend all their energy merely to maintain life itself.”<sup>6</sup>

The need to further the progressive realization of the right to adequate food is not merely an abstract or legalistic matter. Rather, it is a vivid question of life and death for a substantial share of the human race. As of the beginning of this year, before the war in Iraq began, at least 50 million people in 36 countries were in urgent need of food and other humanitarian assistance as a result of natural disasters, economic crises, and armed conflict. Some 38 million people, about 75 percent of that total, live in Sub-Saharan Africa.<sup>7</sup> In order to uphold the right to adequate food, the international community has a moral duty to respond to these severe emergency needs; however, these are just the tip of the iceberg of world hunger.

According to the latest data from the Food and Agriculture Organization of the United Nations (FAO), some 840 million people, or about 15 percent of the world’s population, live in food insecurity, meaning that they do not have assured access to the calories necessary for active and healthy lives.<sup>8</sup> IFPRI currently has a joint project underway with FAO that is calculating food insecurity on the basis of nationally representative household surveys. The initial findings indicate that the above food insecurity figure, which is based on a dietary energy supply measure, is a conservative estimate. Furthermore, micronutrient malnutrition, particularly deficiencies of iodine, iron, and vitamin A, afflict nearly 2 billion people. Some of this population overlaps with the 840 million facing inadequate calorie consumption. The overwhelming majority of these food insecure people live in developing countries, mainly in the rural areas. The figure includes 170 million malnourished children under the age of five in the developing world – one of every three developing-country preschoolers. Five million of them die annually, and those who survive are unlikely to achieve their full mental and physical development. They will grow into adulthood as less productive workers, at high cost to their societies, and will most likely have children of their own who are malnourished and poor.<sup>9</sup> Hunger contributes to neither economic growth nor equity, and robs the world of countless writers, artists, scientists, entrepreneurs, farmers, and productive workers.

As overwhelming as these numbers are, the trends in reducing hunger are even more worrisome. FAO has found that only 2.5 million people per year achieved freedom from hunger during the 1990s, compared to 7 million a year during the period 1970-1990. If China is excluded, the hungry population of the developing countries actually

---

<sup>5</sup> Cited in *ibid.*, 28.

<sup>6</sup> Presidential Commission on World Hunger, *Overcoming World Hunger: The Challenge Ahead* (Washington, D.C.: U.S. Government Printing Office, 1980), p. 3.

<sup>7</sup> FAO, *Food Outlook 2003/1* (Rome: FAO).

<sup>8</sup> FAO, *The State of Food Insecurity in the World 2002* (Rome: FAO).

<sup>9</sup> U.N. Administrative Committee on Coordination/Subcommittee on Nutrition and IFPRI, *4<sup>th</sup> Report on the World Nutrition Situation* (Geneva: ACC/SCN and Washington, D.C.: IFPRI, 2000).

*increased* by over 50 million during the 1990s.<sup>10</sup> We are not on track to meet the World Food Summit Goal – reaffirmed at the 2000 Millennium Summit – of cutting hunger in half by no later than 2015. In order to achieve that, 24 million hungry people would have to achieve food security in each of the next dozen years. With business as usual, the goal will not be reached until some time in the 22<sup>nd</sup> century.

Achieving food security will require new approaches, a broader political mobilization, and a more effective and sustainable attack on the scourge of hunger. A more explicit and effective emphasis on human rights, including the right to adequate food, is one tool in this struggle.

The U.N. Universal Declaration of Human Rights includes the right to food and other basic necessities.<sup>11</sup> The rights to adequate food and freedom of hunger are further elaborated in the International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966, which the United States has signed but not yet ratified. Nevertheless, the United States has generally supported the many subsequent international reaffirmations of these rights, from the 1974 World Food Conference through the 1995 Fourth World Conference on Women. In 1976, the both houses of the U.S. Congress passed Right to Food Resolutions.

The World Food Summit Plan of Action calls upon the U.N. High Commissioner for Human Rights

*to better define the rights related to food . . . and to propose ways to implement and realize these rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all.*<sup>12</sup>

Indeed, there have been a number of significant developments in advancing the progressive realization of the right to adequate food in the seven years since the World Food Summit. The High Commissioner and FAO have collaborated on holding a series of expert consultations.

Some nongovernmental organizations (NGOs) have sought to advance the right to food through the International Code of Conduct on the Human Right to Adequate Food.<sup>13</sup> Though non-binding, it sets out standards for the behavior not only of governments, but also of international organizations, NGOs, and private enterprises. Also emerging from the growing sense that existing covenants and declarations have proven inadequate to define the right to be free from hunger in international law, or to protect it, is the International Food Security Treaty (IFST). Addressed only to governments, it aims to establish enforceable international law guaranteeing the right to be free from hunger, and

<sup>10</sup> *The State of Food Insecurity in the World 2002*.

<sup>11</sup> The Declaration was adopted as U.N. General Assembly Resolution 217 A (III) of December 10, 1948. The full text is accessible at <[www.unhchr.ch/html/menu3/b/a\\_udhr.htm](http://www.unhchr.ch/html/menu3/b/a_udhr.htm)>.

<sup>12</sup> *World Food Summit Plan of Action*, Paragraph 61 (e), accessible at <[www.fao.org](http://www.fao.org)>.

<sup>13</sup> The Code is available by electronic mail from <[fian-is@oln.comlink.apc.org](mailto:fian-is@oln.comlink.apc.org)>.

to oblige states to establish and implement their own related national laws. An example of legally-prohibited activity would be the deliberate use of starvation as a weapon, a tactic which has left over 2 million people severely food insecure in Sudan. The IFST also calls for the creation of a global food reserve to assure adequate emergency food aid, and allows both individuals and NGOs to bring complaints to U.N. bodies when governments fail to uphold the right to food. Complaints could trigger U.N. investigation and, if necessary, intervention.<sup>14</sup>

These various intergovernmental and nongovernmental activities continue, and they have already had considerable influence, notably on the adoption of General Comment 12 (GC 12) by the Committee on Economic, Social, and Cultural Rights of the U.N. Economic and Social Council in 1999. This is the most extensive legal effort thus far to clarify the content of the right to adequate food.

GC 12 affirms that the right to adequate food “is indispensable for the fulfilment of other human rights...” It also defines the normative content of the right to adequate food to be a state of food security, including sustainable and adequate availability and accessibility of food, in quantity and quality sufficient to meet the dietary needs of all. It recognizes that this right will have to be realized progressively, but emphasizes that states have an obligation to take the necessary action to mitigate and alleviate hunger.<sup>15</sup>

In March of this year, FAO convened the first in a series of meetings of an Intergovernmental Working Group for the Elaboration of a Set of Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. The guidelines are under discussion and should be finalized some time next year. I had the privilege of attending that meeting on behalf of my institute.

I would like to make a few points on the importance of national policies. These are critical for realizing the right to adequate food and advancing food security for all. Virtually every country produces between 85 and 100 percent of its food supply. National governments, by providing essential public goods and services, have the greatest influence on, and the primary duty to assure, food security within their borders.

Although national governments have a key role to play, all members of society, and not just the state, have a responsibility for realizing the right to adequate food. This includes individuals, households, local communities, business and industry (both national and transnational), civil society (including local, national, and international NGOs), national judiciaries and parliaments, executive agencies and legislative bodies of subnational and local governments, and international organizations such as the agencies of the U.N. system, the World Bank, International Monetary Fund, World Trade Organization, regional organizations, and alliances of governments, including those that are skeptical about the right to adequate food.

---

<sup>14</sup> The Treaty text is accessible at <[www.treaty.org](http://www.treaty.org)>.

<sup>15</sup> E/C.12/199/5, CESCR General Comment 12, 12 May 1999.

Full realization of the right to adequate food also depends on democratic and accountable governance, as Professor Sen has pointed out. The lack of progress in reducing world hunger in the 1990s is strongly related to increased numbers of violent conflicts. Governance failures, hunger, and war are in a complex relationship.

The appropriate form of governance necessary to advance food security must include the rule of law, transparency, elimination of corruption, sound public administration, and respect for, and protection of, the full range of human rights and freedoms. An independent judiciary that upholds individual rights and is accessible by all citizens is essential. Citizens might also seek redress via quasi-judicial bodies, such as an official ombudsman, as in the Scandinavian countries, or a government human rights commission, as is the case in South Africa. Also necessary is a representative and responsive parliament that will enact the legislation necessary to protect and promote the right to adequate food. Freedom of expression and of the media are vital as well. All citizens – and most particularly poor and hungry people, women, children, and indigenous people – must be empowered politically through freedom of association and the right to form organizations that are under their control and articulate their political demands.

South Africa's post-*apartheid* constitution enshrines rights to access to food, as well as basic nutrition for children. The constitution also explicitly incorporates government obligations to “respect, protect, promote, and fulfill” these rights. Other governments that have adopted the rights-based approach as a matter of law and policy include those of Chile, India, Uganda, and Brazil. These countries face daunting challenges in making the right to adequate food a reality. Their experience in undertaking efforts to implement the right to adequate food suggests a number of lessons:

- The task is complex, and issuing legal proclamations is the beginning, not the end.
- Fully realizing the right to adequate food depends on the formulation of a comprehensive poverty reduction strategy with a set of measurable goals and objectives. This would include both legislation and programs in such areas as agriculture, health, and social and economic policies.
- It may be desirable to enact a comprehensive national framework law, covering the whole food system from plough to plate, including all aspects that impinge on the conditions for fulfilling the right to adequate food. In particular, national law, policies, and programs should address the impediments that poor farmers and consumers face in achieving food security.

Clearly, the international environment has considerable influence on national policies and food security. For this reason, the current round of global agricultural trade negotiations must result in a fair set of rules for poor countries. At present, developed countries provide trade-distorting subsidies to their own agricultural sectors, impose tariff barriers to developing country exports that escalate with the value of the product, and subsidize their exports. A more equitable system will benefit everyone in the long term. It is also critical that developed countries provide adequate financing, through bilateral

development assistance and international financial institution loans, to support sustainable poverty reduction.

An international monitoring system is needed to assess progress on realizing the right to adequate food. This system should be integrated into existing food and nutrition security monitoring systems such as those of FAO and the U.S. Agency for International Development. Monitoring should be linked as well to existing human rights monitoring systems such as those of the U.N. High Commissioner for Human Rights and NGOs such as Human Rights Watch and Amnesty International.

The causes of hunger are complex, and include violent conflict, environmental factors (such as natural resource degradation, increasing water scarcity, and climatic change), and discrimination based on gender, ethnicity, age, and other factors. The fundamental cause of hunger, however, is poverty: people are hungry because they cannot afford to buy all the food they need, and they lack the land and other resources necessary to produce food for themselves. In view of the complex causes of hunger, an equally diverse set of actions is needed for success. Action is particularly needed in the following areas:

1. **Investment in human resources**, including access to health, education, clean water, and safe sanitation for all. IFPRI has found that educating girls, as well as boys, has a huge impact. Improvements in female education accounted for over 40 percent of the substantial decline in child malnutrition levels between 1970 and 1995.<sup>16</sup> Effective social safety nets are needed in order to permit poor rural households to grow out of subsistence farming.

2. Given the rural center of gravity of poverty and hunger, **broad-based agricultural and rural development** is essential for further food security. It not only boosts the incomes of rural poor people, but spurs growth economy-wide in low-income countries where much of the workforce is concentrated in agriculture. IFPRI has found that in Sub-Saharan Africa, each new dollar of agricultural income means up to \$2.60 in total income as demand for goods and services increases in rural areas. This helps to create income-earning opportunities in urban areas that will allow people to meet their needs for food and other necessities.<sup>17</sup> Yet, at present, developing country governments devote 5 percent or less of their budgets to agriculture. For their part, aid donor agencies must reverse the disastrous decline in development assistance to agriculture and rural development, which presently is at lower levels in real terms than in the 1980s.<sup>18</sup>

3. Investments in human resources and assuring poor people access to productive resources and employment will only contribute to reductions in hunger and poverty if

<sup>16</sup> Lisa C. Smith and Lawrence Haddad, "Explaining Child Malnutrition in Developing Countries: A Cross-country Analysis," *Research Report* No. 111 (Washington, D.C.: IFPRI, 2000).

<sup>17</sup> Christopher L. Delgado, Jane Hopkins, and Valerie A. Kelly, "Agricultural Growth Linkages in Sub-Saharan Africa," *Research Report* No. 107 (Washington, D.C.: IFPRI, 1998).

<sup>18</sup> FAO, "Mobilizing Resources to Fight Hunger." Report to the 27<sup>th</sup> Session of the Committee on World Food Security. Posted at <http://www.fao.org/docrep/meeting/003/Y0006E/Y0006E00.htm> . Accessed 29 June 2001.

poor people also have **access to well-functioning and well-integrated markets**. In order to connect poor people to markets, public investment is needed in infrastructure such as roads, storage, and water facilities, along with supportive public policies and institutions. These investments should not be biased against poor communities, female farmers, or resource-poor areas.

4. It is essential to **expand research, knowledge, and technology** that is relevant to solving the problems of poor farmers and consumers in developing countries.

5. We need to improve the **management of the natural resource** base upon which agriculture and food security depend, including land, water, trees, and biodiversity. Otherwise hunger will affect future generations. When poor farmers have secure ownership or use rights, they are more likely to engage in sustainable management practices.

IFPRI estimates that developing-country governments will invest \$579 billion in irrigation, rural roads, agricultural research, clean water provision, and education over the period 1997-2020. Boosting this figure to \$802 billion would reduce the projected number of malnourished preschool children in the latter year from 132 million to 94 million. While this does not constitute food security for all, it represents substantial progress in that direction. Such a shift in priorities and resources is an expensive proposition, but it is far from impossible. If total expenditures by developing-country governments stayed constant at 1997 levels, the investments needed to achieve the more favorable outcome would amount to just 4.9 percent of total government spending by developing countries from 1997 to 2020.<sup>19</sup> Moreover, on an annual basis, the additional investment represents just 5 percent of current annual military spending in low- and middle-income developing countries.<sup>20</sup>

Accomplishing this will require difficult political choices. Policy makers in developing countries, with appropriate financial and technical support from developed countries and intergovernmental organizations, must rearrange their budgetary and policy priorities to put poor and hungry people at the top of their agendas.

There are those who argue that the rights to adequate food and freedom from hunger are merely “aspirational goals,” not binding obligations, and that rather than wasting time and resources on developing legal instruments, we should focus on getting governments to adopt sound policies that expand food production, encourage economic development, and improve access to food. I certainly agree that such policies are absolutely essential to achieving food security. I also concede that having legislation on the books that guarantees rights will not, by itself, fill any bellies. But, as Canadian legal scholar Donald E. Buckingham has argued, “the existence of law does modify behavior. Legally binding rights to food can contribute

---

<sup>19</sup> Mark W. Rosegrant, Michael S. Paisner, Siet Mijer, and Julie Witcover, *Global Food Projections to 2020: Emerging Trends and Alternative Futures* (Washington, D.C.: International Food Policy Research Institute, 2001).

<sup>20</sup> World Bank, *World Development Indicators 2002*, CD-ROM.

to world food security by prescribing and proscribing certain national and international actions.”<sup>21</sup> In short, the codification of rights provides a touchstone around which people can rally and against which they can hold their governments accountable. This is critical for assuring that the right policies are in place to achieve sustainable food security for all.

---

<sup>21</sup> “Legal Obligation and Rights to Food: What's New from Rome?,” *Canadian Journal of Development Studies*, Volume XIX Special Issue (January 1998):209-236.